

## Minutes of the Independence City Commission's October 26, 2016 Meeting.

The Independence City Commission met on October 26, 2016 at 5:30pm in the Veterans Room at Memorial Hall. Commissioner Leonhard Caflisch, and Commissioner Fred Meier were present, Mayor Gary Hogsett participated by phone. Others present included:

### **City Staff**

Micky Webb, City Manager  
Kelly Passauer, Assistant City Manager  
Jennifer Rutledge, Director of Finance/City Clerk  
Don Cushing, Building Inspector  
Mike Passauer, Public Works Director

### **Visitors**

Megan Royse	Robin Royse
Charley Hixon	Eric Johnson
Robert Meadows	Ned Stichman
Dan Barwick	Lisa Hugo
Jimmie Mitchell	Corey Hugo
Debbie Miller	Benny Beurskens
Joslyn Kusiak	Charlotte Caflisch
Lisa Richard	Mike Conway
Anthony Royse	Mary Jo Meier

### **Call to Order**

Vice Mayor Meier called the meeting to order at 5:30pm.

### **Pledge of Allegiance to the United States of America**

**Vice Mayor Meier held a moment of silence in honor of the late Commissioner Derrill Unruh.**

### **Appointments**

Planning Commission/Board of Zoning Appeals – 1 Outside City Resignation – Applications received from Andy McLenon and Ben Seel

#### **Motion:**

**On the motion of Mayor Hogsett, seconded by Commissioner Meier, the commission appointed Andy McLenon to the Planning Commission/Board of Zoning Appeals Outside City position..**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

Library Board of Trustees – 1 Resignation – Application received from Lynn Reddy

**Mayor Hogsett requested that the deadline for applications be extended 2 weeks for this position.**

**Adoption of the Consent Agenda**

a. Appropriations

1. A-1777

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved A-1777 for \$619,206.81.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

2. P-1741

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved P-1741 for \$121,050.40.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

b. Consider minutes of the October 13, 2016 City Commission meeting [CITIZENS].

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved the minutes of the October 13, 2016 City Commission meeting.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

c. Consider releasing the 2nd mortgage on 1902 Macarthur Court [CITIZENS].

The home at 1902 Macarthur Court has met the requirements to have the 2nd mortgage released. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission released the 2<sup>nd</sup> mortgage on 1902 Macarthur Court.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- d. Consider approving the attached Adoption Agreement and Adoption Resolutions for the City's Retirement Plan with Security Benefit [CITIZENS].
- Periodically the IRS requires organizations to update and replace their current qualified plan documents. The new documents incorporate changes to qualified plan rules that have been made since the last time the document was restated. This is mandated by the IRS. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved the attached Adoption Agreement and Adoption Resolutions for the City's Retirement Plan with Security Benefit.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- e. Consider authorizing spending up to \$25,000 as budgeted for a used brush truck [CITY EMPLOYEES/CITIZENS].
- The revised 2016 budget includes \$25,000 for the purchase of a used brush truck. City staff would like authority to expend up to this amount when a suitable truck is found. The reason for this request is due to used trucks not always being available until the following Commission meeting. City staff recommends authorizing expending up to \$25,000 for a used brush truck.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission authorized expending up to \$25,000 for a used brush truck.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- f. Consider authorizing annual holiday gift certificates for City, Library and Housing Authority employees [CITY EMPLOYEES].

City staff recommends authorizing the issuance of gift certificates for City, Housing and Library employees in the amount of \$50 per employee.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission authorized the annual holiday gift certificates for City, Library, and Housing Authority employees.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- g. Consider authorizing the Mayor to sign a letter for an Attraction Development Grant for the William Inge Theatre Festival [OTHER GOVERNMENTAL ENTITIES].

Attached is a letter requested by Bruce Petersen with ICC to be signed by the Mayor in support of a grant for the William Inge Theatre Festival. City staff recommends authorizing the Mayor to sign.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission authorized the Mayor to sign a letter for an Attraction Development Grant for the William Inge Theatre Festival.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- h. Consider fire protection agreement with SMP [BUSINESS & INDUSTRY].

Attached is the annual fire protection agreement with SMP. City staff recommends approval.

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission approved the annual fire protection agreement with SMP.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

**Public Hearings**

- i. Public hearing to consider condemnation of 524 N. Penn, Apartment #114 as dangerous and unsafe [CITIZENS].

This public hearing was previously adjourned. The Commission will need to determine if they wish to proceed with condemnation.

**The Vice Mayor opened the public hearing.**

**The Building Inspector explained that repairs are going well and asked to adjourn the hearing for 60 days.**

**Duane Small, owner of the building asked how the City can condemn one section of an entire building. Discussion on the legal parcels and the condemnation process followed.**

**The Vice Mayor closed the public hearing.**

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission adjourned the hearing for 60 days.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- j. Public hearing for neighborhood revitalization plan for North Penn [BUSINESS & INDUSTRY].

After the public hearing, if the Commission wishes to move forward with the neighborhood revitalization plan a motion will need to be made and approved to adopt the attached resolution.

**The Vice Mayor opened the public hearing.**

**The City Manager presented the North Penn Neighborhood Revitalization Plan to the Commission.**

**Lisa Richard addressed her concerns that Exhibit A was missing from the packet online. She also noted that according to Kansas statute 12-17,117 there are specific requirements for the plan. The legal descriptions of the properties have not been included in the packet for the meeting. Lisa recommended that could be posted online. Lisa also stated that it is required that the existing zoning classifications and boundaries be shown on the diagram, and that has not been done on the diagram presented. Lisa questioned why the area on Penn near Railroad has not been included.**

**The Vice Mayor closed the public hearing.**

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission adjourned the hearing 30 days to research the questions presented and determine the status of the adjoining properties.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- k. Public hearing to consider a resolution of the intent to issue industrial revenue bonds with the provision of a tax abatement for property located at 2700 W. Main Street [CITIZENS].

This item was on your July 28, 2016 agenda for discussion. If the Commission wishes to proceed a motion will need to be made and approved to authorize a resolution of the intent to issue industrial revenue bonds.

**The Vice Mayor opened the public hearing.**

**The City Manager explained the background behind the bonds being considered.**

**Kim Bell, of Gilmore & Bell, explained that this is related to a tax abatement that was voided by a transaction between the previous owner and Hugo's/Calcor.**

**Corey Hugo explained that he is looking to grow his business here in town and this helps to make that possible.**

**After no comments from the public, the public hearing was closed.**

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission adopted Resolution 2016-059 of intent to issue industrial revenue bonds with the provision of a tax abatement for property located at 2700 W. Main Street.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

**Items for Commission Action**

- l. Consider setting the date of December 22, 2016 for public hearings to consider the following structures as dangerous and unsafe [CITIZENS]:

1. 1005 W. Pine

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-057 setting a public hearing for 1005 W. Pine on December 8, 2016, to condemn the property as dangerous and unsafe.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

2. 1300 W. Locust

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the commission adopted Resolution 2016-055 setting a public hearing for 1300 W. Locust on December 8, 2016, to condemn the property as dangerous and unsafe.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

3. 1304 W. Locust

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission adopted Resolution 2016-054 setting a public hearing for 1304 W. Locust on December 8, 2016, to condemn the property as dangerous and unsafe.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

4. 519 N. 16<sup>th</sup>

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-058 setting a public hearing for 519 N. 16th on December 8, 2016, to condemn the property as dangerous and unsafe.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

5. 832 S. 18<sup>th</sup>

**Motion:**

**On the motion of Commissioner Meier, seconded by Mayor Hogsett, the commission adopted Resolution 2016-056 setting a public hearing for 832 S 18th on December 8, 2016, to condemn the property as dangerous and unsafe.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

Following each public hearing the Commission will need to determine whether to proceed with condemnation of the structure(s) as dangerous and unsafe. The Building Inspector will be available to report on the conditions of each property.

m. Consider authorizing immediate removal of unsafe structures at [CITIZENS]:

1. 1028 E. Edison – Detached garage and outbuilding only – **the outbuilding is already down and the commission allowed 30 days for owner to determine what he will do with the garage.**
2. 404 S. 11<sup>th</sup> – Detached garage only – **the commission allowed 30 days for the owner to remove the garage himself.**
3. 1108 W. Cedar

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission declared 1108 W Cedar a hazard to public safety and authorized City staff to award to the lowest quote for immediate removal.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

These structures were tabled from the previous meeting.

n. Consider reviewing the following previously condemned properties:

1. 316 E. Cedar/729 S. 4<sup>th</sup> - **this property will be reviewed in 60 days.**
2. 712 E. Maple

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission declared 712 E Maple a hazard to public safety and authorized City staff to award to the lowest quote for immediate removal.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

The Building Inspector will review the above structures at the Commission meeting.



Minutes of the Independence City Commission's October 26, 2016 Meeting.

- o. Consider authorizing closing the alley west of the First Presbyterian Church from November 1 – December 15, 2016 due to a roof project [CITIZENS].

We received the attached request from Roofscape Exteriors requesting to have the alley west of the First Presbyterian Church blocked off for 4-6 weeks so that they can replace the roof of the church.

**Motion:**

**On the motion of Commissioner Caflisch, seconded by Mayor Hogsett, the commission authorized closing the alley west of the First Presbyterian Church from November 1 – December 15, 2016 due to a roof project.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- p. Consider Treasurer's report ending September 30, 2016 [CITIZENS].

Attached is the Treasurer's report ending September 30, 2016.

**The City Clerk explained that the loan funds had been received but not until October 4<sup>th</sup>, so those will be seen on the next Treasurer's report.**

**The City Clerk also explained that the funds that were needed to close out West Main were sitting in another fund and the \$330,000 that she initially thought were needed from the Special Use Sales tax were returned to the Special Use Sales Tax Fund.**

- q. Consider rescheduling upcoming meetings [CITIZENS].

As we are coming into the holiday season some of the meetings, including this one, were adjusted from the normal schedule. The next meetings are scheduled as follows:

- Thursday, November 10, 2016 – 2<sup>nd</sup> Thursday
- Tuesday, November 22, 2016 – 4<sup>th</sup> Thursday is Thanksgiving
- Thursday, December 8, 2016 – 2<sup>nd</sup> Thursday
- Thursday, December 22, 2016 – 4<sup>th</sup> Thursday
- Thursday, January 12, 2017 – 2<sup>nd</sup> Thursday
- Thursday, January 26, 2017 – 4<sup>th</sup> Thursday

I have received an email from Commissioner Meier indicating that he will be late to the November 10, 2016 meeting and unable to attend the December 22, 2016 meeting. The Commission may wish to determine if other Commissioners are available and whether the meetings should be rescheduled.

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the commission changed the start time of the November 10<sup>th</sup> meeting to 6:15pm, and changed the December 22<sup>nd</sup> meeting to December 19<sup>th</sup>, 2016.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

**Reports**

- r. Report on Montgomery County zoning application for airport property [BUSINESS & INDUSTRY].

Attached is a zoning application for property located at the Independence Municipal Airport that has not been annexed into the City. The County Zoning designation is P-1 (public) and City staff is requesting it be modified to I-2 (industrial) to be compatible with the actual uses that are occurring on these properties.

- s. Update on City projects [CITIZENS].

The City Manager will provide an update on current City projects.

**City Staff explained to the Commission that a decision needs to be made on the driveway for the Fire/EMS building. For an estimated \$7,000 the city could do gravel, for an estimated \$33,000 the city could do asphalt, for an estimated \$43,700 the city could do a mix of asphalt and cement, and over \$50,000 for a cement driveway.**

**Motion:**

**On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the commission authorized City staff to submit an application to the Board of Zoning Appeals for a variance to allow gravel at the temporary Fire/EMS building.**

**Aye: Caflisch, Hogsett, Meier**

**Nay: None**

- t. Report on 10/20/16 Montgomery County Chronicle Letter to the Editor as requested by Commissioner Caflisch [CITIZENS].

Commissioner Caflisch requested the attached letter to the editor be addressed at the Commission meeting.

**The City Clerk told the Commission that she did not budget at all for the bonds, and was looking at total expenses for the Water and Sewer Fund.**

- u. Report on City board minutes [CITIZENS].

### **Commission Comments**

**Mayor Hogsett asked if things were moving forward with the Treanor agreement for the Citizens Committee. He hopes this can be on the next agenda.**

### **Public Concerns**

**Debbie Miller – Ms. Miller told the Commission that during the last few months concerned citizens have exercised their right to petition the government and peaceful assembly. They have faced swift attacks which were ripe with absolute lies. The day after the petition was presented, Micky Webb stated, “the way it had gotten, he didn’t see how his resignation would actually help anything. He fears those who have been making personal attacks will simply increase their ire towards the department heads.” Over the years Ms. Miller has worked with and Micky Webb’s critics and she has never, ever heard one person say that they would focus their ire on department heads should Micky Webb be relieved of his duties. Why would Micky Webb make such divisive, hypocritical and somewhat retaliatory comments? Yet another example of his lack of self-control, sound judgment, and professionalism. Hoite Caston’s dramatic speech at the last commission meeting made statements that were inaccurate and defamatory. Among his claims was the lie that Ms. Miller’s beef with Micky Webb was the result of the refusal of the city to close the alley for her mother’s estate sale. These statements do not change the fact that we have an ineffective City Manager. Some supporters of our city’s leaders seem financially secure enough that they can contribute \$100 to \$300 to even \$500 to the election campaigns of commissioner candidates. If their property taxes go up, they could easily absorb the cost. But not all Independence residents are as fortunate. Ms. Miller has attended commission meetings since 2011. Our City government has taken money from people that are struggling financially and has completely wasted it because Micky Webb has failed to provide sound and consistent leadership in our city government. Therefore, she requests that he be fired.**

**Executive Session(s)**

**Motion:**

On the motion of Commissioner Meier, seconded by Commissioner Caflisch, the commission called a 20 minute executive session according to Kansas Statue 75-4319 (b) (4) for the purpose of confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships, to end at 7:42. The executive session included Mayor Hogsett, Commissioner Meier, Commissioner Caflisch, Micky Webb, Kelly Passauer, Jeff Chubb, Mike Conway and Benny Beurskens.

Aye: Caflisch, Meier, Hogsett

Nay: None

Vice Mayor Meier called the meeting to order at 7:44.

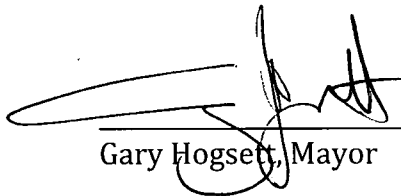
**Adjournment**

**Motion:**

On the motion of Commissioner Caflisch, seconded by Commissioner Meier, the commission adjourned the meeting.

Aye: Caflisch, Meier, Hogsett

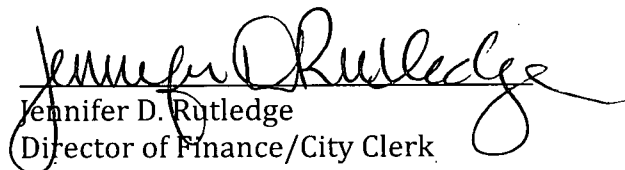
Nay: None

  
\_\_\_\_\_  
Gary Hogsett, Mayor

  
\_\_\_\_\_  
Leonhard Caflisch, Commissioner

  
\_\_\_\_\_  
Fred Meier, Commissioner

Attest:

  
\_\_\_\_\_  
Jennifer D. Rutledge  
Director of Finance/City Clerk

**Attendance Sheet**  
**City Commission Meeting**  
**November 10, 2016**

**PLEASE PRINT**

	Name	Address
1	GGNE CARLSON, ARKS LLC	305 N. NEDSHO, CVILLE
2	Daniel Turner	102 S 1st
3	Charlotte Caplisch	600 S. 5th
4	Mike Cruz	206 N 2nd
5	Jennifer Beurskens Everitt	117 N. Penn
6	Off Weiner	700 N Tenth
7	Long W. Perry	601 B. Co St
8	Paul Smith	117 N. Penn
9	Jerry Smith	
10	JOHN RISHOR	123 W Main
	Paul & Carol Fairbank	1400 N. 9th
12	Louise D. Lammert	419 S. 12th St.
13	Debbie Miller	Box 571
14	Pat Kirk	3077 W. 4600
15	Louise & Judy Grouse	112 Timberlane
16	NEO STECHMAN	
17	Mary Jo Meier	2112 Linden Lane
18	Joseph Wynn	500 N. Main Casey, KS

**Attendance Sheet**  
**City Commission Meeting**  
**October 26, 2016**

**PLEASE PRINT**

Name	Address
1 Megan Royse	132 Hackberry
2 CHARLEY HIXON	717 N. 12TH ST
3 Robert Meadows	3893 S. 4100ST Indep.ks
4 Dan Barwick	510 E. Maple
5 Jimmie Mitchell	1304 W Locust <del>1300</del> W Locust
6 Debbie Miller	P.O. Box 571, city
7 Jody Kisch	218 N. Park Blvd
8 Lisa Richard	311 N 2nd St.
9 D. Smith	1734 N. 24th
10 Anthony Royse	208 S 4th
11 Robyn Royse	" " "
12 Eric Johnson	4352 CR 4000
13 NED STICHMAN	
14 Lisa Hays	2914 Regency Drive
15 Cory Hays	" " "
16 Benny Benskens	5650 CR 4300
17 Charlotte Crafton	600 S. 5th
18 Mike Conroy	206 N 2nd.
19 M. G. Meier	2712 Lenox Lane

11

## Request to Address the City Commission



Name: Debbie Miller

Agenda item you wish to address: Letter: \_\_\_\_\_; or

Public concern you wish to address: Tire Nicky Webb

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No \_\_\_\_\_

Lisa Richard

## Request to Address the City Commission



Name: 10/26/16

Agenda item you wish to address: Letter: J; or

Public concern you wish to address: North Penna Aevit. Area

Prior to the start of the meeting, please hand this form to the City Clerk

When the Mayor calls on you, please state your name and direct your comments to the Commission. Your comments should be limited to a maximum of 3 minutes.

No \_\_\_\_\_